

*Christy J. Mathis and Paul J. Mathis, individually vs
Mosinee School District, et al*

*Eric J. Krause
December 13, 2022*

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REQUESTS	
ITEM:	PAGE:
(No requests were made during the taking of this deposition.)	

Page 6

ERIC J. KRAUSE,
called as a witness, after being first
duly sworn, was examined and testified
as follows:
EXAMINATION
BY MR. SECUNDA:
Q. Good morning, Officer Krause.
A. Good morning.
Q. How are you today?
A. I'm pretty well. Yourself?
Q. Good. I am Paul Secunda. And along with my
colleague, Kirsten Hendra, we represent the
Mathises in this case involving a number of
parties, including yourself.
So I'm going to go through some ground
rules just so you, you know, know that there's
no tricks here. This is just basic information
we're getting for the record. So let's start
with just, please, state your full name.
A. Eric James Krause.
Q. Okay. And can you spell your last name for the
record.
A. Sure. K-r-a-u-s-e.
Q. Okay. I'm going to call you Officer Krause.
A. That's fine.

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Q. Are you currently taking any prescription
medication, officer?
A. I am.
Q. Okay. What is the name of the medication?
A. I don't recall.
Q. Can you at least identify the doctor that
prescribed the medication?
A. Jane Ziemanski.
Q. And what type of a doctor is that?
A. Just my -- a general doctor.
Q. Okay. And what's the location of the practice?
A. Marshfield Clinic.
Q. Okay. And when did your physician first
prescribe the medication?
A. I don't recall.
Q. And do you take it for a particular condition?
A. Not a condition, no.
Q. So let me explain to you why I'm asking these
questions.
A. Sure.
Q. I want to make sure you're not under the
influence of any substance that might interfere
with your memory or interfere with your
recollection today at the deposition.
A. No.

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<p style="text-align: right;">Page 9</p> <p>1 Q. Okay. Are you aware of any reason why you 2 would be unable to fully and completely 3 exercise your memory during this deposition? 4 A. No. 5 Q. Okay. In your lifetime have you ever been 6 known by a different name or by an alias? 7 A. No. 8 Q. Where do you currently reside? 9 A. In the town of Mosinee. 10 Q. And how long have you lived there? 11 A. 13 years. 12 Q. Okay. 13 A. 13, 14. 14 Q. Okay. And have you ever given a deposition 15 testimony prior to today? 16 A. No. 17 Q. So let me go over some ground rules just so 18 Meredith is happy with both of us. 19 A. Okay. 20 Q. Because she's truly the boss in the room today. 21 Inevitably, when we have a conversation we're 22 going to talk over each other. 23 A. Okay. 24 Q. Because that's just how people converse. Try 25 not to as best you can. Wait to the end of my</p>	<p style="text-align: right;">Page 11</p> <p>1 would have to look at my file. But I was given 2 an official document -- 3 Q. Okay. 4 A. -- that would be a notification of deposition. 5 Q. And who informed you of that fact? 6 A. My attorney. 7 Q. And when were you informed? 8 A. I would have to look at the exact date. 9 Q. And I don't want you to say anything that you 10 said to your attorney because that is 11 privileged. But did anyone besides you and 12 your attorneys take part in that discussion 13 about this document about the deposition? 14 A. No. 15 Q. Okay. Okay. So now I'm going to ask you what 16 you did to prepare for the deposition today. 17 Did you review any documents? 18 A. I did. 19 Q. Can you identify the documents you reviewed? 20 A. It would have been my report. 21 Q. When you say your report do you mean your 22 report that you did as part of your role as a 23 student resource officer, or are you talking 24 about the criminal report? 25 A. The criminal reports.</p>
<p style="text-align: right;">Page 10</p> <p>1 question. I will do my best to wait to the end 2 of your answer. 3 If you have to say yes or no, please 4 don't shake your head or nod your head. 5 Actually vocalize it so that it can be taken 6 down on the record. 7 If at any time you need to take a 8 break, please finish answering the question, 9 whatever the question is outstanding. And then 10 you can ask your attorney or me and say, is it 11 okay if we take a break? 12 We're going to give you a break. 13 Whether it's restroom or just to take, you 14 know, a walk around, whatever it is, doesn't 15 matter. We're here to make sure that you're 16 comfortable. And if you need a break just let 17 us know. Okay? 18 A. Okay. 19 Q. Okay. So with that out of the way as far as 20 kind of the basics of the deposition, so you 21 were notified that Mr. and Mrs. Mathis intended 22 to take your deposition? 23 A. Correct. 24 Q. And when were you notified? 25 A. I would have to -- I don't recall the date. I</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Okay. And did you review any other documents 2 besides your criminal report? 3 A. Pretty much everything inside of the case file, 4 our case file at the police department. 5 Q. Again, I don't want to know your conversations 6 with your attorney. But did you speak to 7 anyone else when you prepared for the 8 deposition today? 9 A. As in, what do you mean -- I don't know what 10 you mean by that question. 11 Q. So besides your attorneys for this case, did 12 you speak to any other officers? Did you speak 13 to any family members as far as getting ready 14 for this deposition today? 15 A. They're just aware that I'm here, but not to 16 prepare for it. 17 Q. Okay. Is there any reason you spoke to certain 18 individuals to the exclusion of others? 19 A. Just to let them know that I was here. 20 Q. Okay. 21 A. So we had road coverage. 22 Q. Okay. Did you communicate to any individual 23 that you were testifying at this deposition 24 today? 25 A. To the people I work with, yes.</p>

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1 Q. Okay. And what were the substance? Just that
2 you were needing coverage for your road duty?
3 **A. Just for the deposition.**
4 Q. Okay. We're going to move on to your
5 education --
6 **A. Sure.**
7 Q. -- background. Can you please describe for me
8 all of your post-high school education and/or
9 training?
10 **A. Attended Northcentral Technical College,**
11 **received my associate's degree there in**
12 **criminal justice, and then just necessary**
13 **training that law enforcement would go through**
14 **throughout the last 16 years.**
15 Q. And we'll go through some of the training that
16 you went through later in this deposition. But
17 for now, where did you attend, did you say,
18 school?
19 **A. Northcentral Technical College.**
20 Q. Did you attend any other schools besides
21 Northcentral?
22 **A. No.**
23 Q. And what years did you attend?
24 **A. I believe 2005 to 2007. 2004-2007.**
25 Q. Okay. And your major was criminal justice?

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1 **A. Yes.**
2 Q. And what kind of degree did you earn?
3 **A. Criminal justice.**
4 Q. Is that an associate's degree? Is that a
5 bachelor's degree? Do you know?
6 **A. Associate's.**
7 Q. It's an associate's degree. And from
8 Northcentral did you get any additional
9 certificates or anything of that nature?
10 **A. Education based?**
11 Q. Education-based certificates based on your
12 going to school at Northcentral.
13 **A. You complete the academy. But it's not a**
14 **certificate that you get.**
15 Q. Just so I'm clear, so you simultaneously
16 complete police academy and your criminal
17 justice training at Northcentral -- or excuse
18 me. Let me restate that -- your criminal
19 justice education at Northcentral?
20 **A. I got my education, my associate's, at**
21 **Northcentral. And then I completed the police**
22 **academy at Northcentral after my education.**
23 Q. Right after each other?
24 **A. The following spring or the following fall of**
25 **my graduation.**

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1 Q. Do you recall your GPA at Northcentral?
2 **A. I think it was around 3.0.**
3 Q. Okay.
4 **A. May be a little higher.**
5 Q. Okay. Okay. So let's go away from education
6 and into your employment history. I want to
7 talk about your employment pre-Mosinee Police
8 Department. Where did you first work when you
9 left the police academy?
10 **A. Wood County Sheriff's Department.**
11 Q. And what was your position there?
12 **A. I was a part-time deputy that patrolled the**
13 **parks.**
14 Q. Okay. And how many hours a week did you work?
15 **A. Maybe five. It was -- you would pick up shifts**
16 **when you would -- so there was no set schedule.**
17 Q. Got it. And then after that what was your next
18 position?
19 **A. Full time at Lincoln County Sheriff's**
20 **Department as a deputy.**
21 Q. You were a deputy sheriff at Lincoln?
22 **A. Yes.**
23 Q. And do you remember the years that you were a
24 deputy there?
25 **A. 2007 to 2014.**

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1 Q. And did you have any special area of focus?
2 Any types of investigations you did
3 particularly?
4 **A. There was -- just a road officer. So there was**
5 **no particular -- I wasn't a detective or**
6 **anything specialized. I was just a road**
7 **officer.**
8 Q. Okay. And so when you left Lincoln County in
9 2014, is that when you came to Mosinee?
10 **A. Yes.**
11 Q. And why did you leave Lincoln?
12 **A. Because it was a potential of the school**
13 **resource officer opening.**
14 Q. So tell me a little bit about that. Have you
15 always been interested in being a school
16 resource officer?
17 **A. Yes.**
18 Q. And why is that?
19 **A. I like the idea of being able to work with**
20 **kids. You can actually see a change and make a**
21 **change with kids early on. It's a lot**
22 **difficult -- lot more difficult with an adult**
23 **to make that change.**
24 Q. Interesting. Okay. And so from 2014 to the
25 present, have you been a school resource

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1 officer, or is that just part of your
2 employment at Mosinee?
3 **A. That's part of my employment. That's my**
4 **assignment. My job is a police officer. But**
5 **my assignment is the school.**
6 Q. So your employer is the Mosinee Police
7 Department?
8 **A. Yes.**
9 Q. And you receive your pay and your benefits from
10 the Mosinee Police Department?
11 **A. Correct.**
12 Q. And do you remember what year you began as a
13 school resource officer?
14 **A. I got hired in 2014 in October. And I would**
15 **have started the school position in the**
16 **beginning of 2015 in January.**
17 Q. Okay. And when you start as a school resource
18 officer, do you have to do training prior to
19 assuming that role?
20 **A. No.**
21 Q. Do you do training once you're in that role to
22 learn about how to interact with children?
23 **A. It's not required, but yes, I have.**
24 Q. Okay. And we'll come back to that. And I'm
25 also trying to understand what your

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1 relationship is to the -- to the people in
2 charge at Mosinee. And you were -- I should
3 ask this first. Were you always at Mosinee
4 Middle School?
5 **A. I cover all three schools.**
6 Q. Okay. Where do you -- where do you sit? Or do
7 you sit at all three schools?
8 **A. I have an office in our -- it's called our**
9 **Kreske Center. It's in the middle of the high**
10 **school and the middle school. And then I have**
11 **an office at the elementary school.**
12 Q. So what elementary school is it?
13 **A. Mosinee Elementary.**
14 Q. And it's Mosinee Middle School?
15 **A. Yes.**
16 Q. And it's Mosinee High School?
17 **A. Correct.**
18 Q. Okay. And so you are responsible for all three
19 schools?
20 **A. Yes.**
21 Q. What is your relationship to the principals of
22 the various schools? Are you in any way
23 subordinate to them?
24 **A. I don't --**
25 **MR. ROMAN: I'll object to the form.**

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1 **EXAMINATION**
2 **BY MR. SECUNDA:**
3 Q. You can answer.
4 **A. I don't take any directives from**
5 **administration. I only take directives from**
6 **the chief of police.**
7 Q. So how would you characterize your
8 relationship, let's say, with Principal Grube
9 as far as kind of interacting with him?
10 **MS. LUBINSKY: I'm going to object to**
11 **the form. You may answer.**
12 **MR. ROMAN: I'll join.**
13 **MS. ZELLNER: I'll join as well.**
14 **EXAMINATION**
15 **BY MR. SECUNDA:**
16 Q. There's going to be a chorus all day, so don't
17 let it bother you. I'm trying not to let it
18 bother me.
19 So let me restate the question so it's
20 a little clearer. I'm trying to understand
21 whether or not you take directives from any of
22 the principals in any of the schools that you
23 work at.
24 **MS. ZELLNER: Object to form.**
25 **MS. LUBINSKY: I'll join.**

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1 **MR. ROMAN: So will I.**
2 **EXAMINATION**
3 **BY MR. SECUNDA:**
4 Q. You can answer.
5 **A. No.**
6 Q. Okay. So if Principal Grube needed you with a
7 student altercation and asked for your
8 assistance, you could not go?
9 **A. Correct.**
10 Q. But you wouldn't?
11 **MS. LUBINSKY: Object to the form.**
12 **MS. ZELLNER: Object to form.**
13 **MR. ROMAN: So will I.**
14 **COURT REPORTER: Was there an answer?**
15 I'm sorry.
16 **MR. SECUNDA: I don't think there was**
17 **an answer. But I'll withdraw the question.**
18 **(Discussion held off the record.)**
19 **EXAMINATION**
20 **BY MR. SECUNDA:**
21 Q. Can you, Officer Krause, describe to me how you
22 split your time between the school and your
23 other police duties?
24 **A. I don't have a set schedule. It's wherever I**
25 **decide for that particular day to spend my**

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1 time. So if I'm needed in a particular school
2 for a presentation or questions, I will find
3 myself there. Otherwise I patrol all three
4 schools every day.
5 Q. Would you characterize your duties at school as
6 your primary responsibility?
7 A. My primary responsibility is as a road officer.
8 Q. So how would you characterize your
9 responsibilities at the school?
10 A. It would be an assignment.
11 Q. Okay. Okay. So let's move on from that. And
12 I'm going to ask you, are you familiar with an
13 individual named Christy J. Mathis?
14 A. Yes.
15 Q. And how are you familiar?
16 A. She was an employee at the Mosinee School
17 District.
18 Q. Okay. Have you ever had any occasion to
19 socialize with Ms. Mathis outside of work?
20 A. Outside of work? I don't recall.
21 Q. Have you ever run into her in Mosinee or any
22 other area in this neck of the woods?
23 A. I don't recall.
24 Q. Okay. So you are aware that Mr. and Mrs.
25 Mathis filed a complaint against you and other

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1 defendants in the United States District Court
2 for the Western District of Wisconsin, correct?
3 A. Correct.
4 Q. And how were you informed of the lawsuit?
5 A. I was served paperwork by a server.
6 Q. Okay. And do you remember when that was, when
7 you were informed?
8 A. I do not.
9 Q. And what was -- the manner of communication was
10 in the form of a process server?
11 A. Yes.
12 Q. Okay. And did you have any conversation with
13 the process server?
14 A. No.
15 Q. And let me see. One second, please. So what
16 is your understanding, officer, of the nature
17 of the Mathises' lawsuit against you?
18 A. Based off of what my understanding is, is they
19 don't agree with the arrest.
20 Q. Okay. So you think this is -- this case that
21 we've brought is just about the arrest of
22 Ms. Mathis?
23 A. On my end of it, yes.
24 Q. Okay. And how did you arrive at that
25 understanding?

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1 A. That was --
2 MS. ZELLNER: Object to form if it
3 calls for anything attorney-client.
4 EXAMINATION
5 BY MR. SECUNDA:
6 Q. Yes. Please don't respond in any way
7 discussing what you and your attorney have
8 discussed. But outside of your attorney
9 discussions, how did you arrive at that
10 conclusion?
11 A. Just my opinion.
12 Q. Okay. And outside of your attorney have you
13 shared your understanding of the nature of this
14 lawsuit with anyone?
15 A. Yes.
16 Q. And who would that be?
17 A. My wife.
18 Q. And what did you say to her?
19 A. Same thing I just told you, that she doesn't
20 agree with the arrest, and I have a federal
21 lawsuit now.
22 Q. And why do you think she doesn't agree with the
23 arrest?
24 A. I have no idea.
25 Q. You have no idea why you're sitting here today?

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1 MS. ZELLNER: Object to form.
2 EXAMINATION
3 BY MR. SECUNDA:
4 Q. You can answer.
5 A. She doesn't agree with the arrest.
6 Q. So sitting here today, you don't think you did
7 anything wrong with regard to arresting
8 Ms. Mathis?
9 A. Absolutely not.
10 Q. Okay. Are you aware of the existence of any
11 written documentation where you have expressed
12 your understanding of Mrs. Mathis' lawsuit?
13 A. Can you --
14 Q. Yes.
15 A. -- rephrase it?
16 Q. Yes. I'll repeat that, sure. Are you aware of
17 any written documentation in which you express
18 your understanding of this lawsuit that we're
19 discussing today?
20 MR. ROMAN: I'll object to form.
21 EXAMINATION
22 BY MR. SECUNDA:
23 Q. You can answer, unless you want me to restate
24 it one more time.
25 A. No. What type of a form? I'm confused on the

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1 **question.**
2 Q. Okay. Is there any written document that -- in
3 which you have written your understanding of
4 what this lawsuit's about?
5 **A. I believe it would have been the response to**
6 **the lawsuit.**
7 Q. So you helped in forming the response to the
8 complaint in this lawsuit?
9 **A. Yes.**
10 **MS. ZELLNER:** Object if it's asking
11 for attorney-client communications.
12 **EXAMINATION**
13 **BY MR. SECUNDA:**
14 Q. I'm not asking for attorney-client privilege.
15 Just asking whether you participated in that
16 process. And your answer is yes?
17 **A. Yes.**
18 Q. Okay. So I think you've already answered this
19 question, but I'm going to ask it for the
20 record. Do you hold any opinions regarding the
21 merits of the Mathises' lawsuit against you?
22 **MS. ZELLNER:** Object to form.
23 **EXAMINATION**
24 **BY MR. SECUNDA:**
25 Q. You can answer.

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1 **A. Can you repeat the question?**
2 Q. Sure. Do you hold any opinions regarding the
3 merits of the Mathises' lawsuit against you?
4 **A. Yes.**
5 Q. And what are those opinions?
6 **A. I'll keep those to myself.**
7 Q. Sir, you have to answer. You're under oath.
8 And this is something that's part of the case.
9 **A. I don't agree with the lawsuit.**
10 Q. And you don't agree with the lawsuit because?
11 **A. I did nothing wrong. So that was -- that's my**
12 **opinion.**
13 Q. Okay. Let's move on then with that being said.
14 And I understand your position. Let's talk
15 about your employment at the Mosinee Police
16 Department. You previously testified that you
17 are currently employed at the Mosinee Police
18 Department?
19 **A. Yes.**
20 Q. And you previously testified before that you
21 were employed as a deputy sheriff at Lincoln
22 County?
23 **A. Yes.**
24 Q. Did you have any disciplinary issues when you
25 were at Lincoln County?

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1 **A. I've never been disciplined in my career.**
2 Q. You've never been disciplined in your career?
3 **A. No.**
4 Q. And how do you define discipline?
5 **A. Any type of a punishment that would be spoke on**
6 **or have a letter in my file.**
7 Q. Have you ever been referred for criminal
8 charges, officer?
9 **A. Referred for criminal charges? No.**
10 Q. Was there ever an investigation into whether
11 you committed a criminal act?
12 **A. Yes.**
13 Q. And what was that, officer?
14 **A. It was a DCI investigation in regards to a**
15 **12-hour violation rule for juvenile law.**
16 Q. Can you explain that to us?
17 **A. It says I have 12 hours to respond to CPS in**
18 **regards to a caretaker that may have violated**
19 **the law physically or, like, an assault.**
20 Q. So what is CPS, just for the record?
21 **A. Child Protective Services.**
22 Q. And so in what situation did you not report
23 within that 12-hour period to Child Protective
24 Services?
25 **MR. ROMAN:** Object to form.

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1 **MS. ZELLNER:** Object to form.
2 **MS. LUBINSKY:** I'll join.
3 (Discussion held off the record.)
4 **EXAMINATION**
5 **BY MR. SECUNDA:**
6 Q. So let me restate the question, if you don't
7 mind.
8 **A. Okay.**
9 Q. For what incident were you, I guess the word
10 is, investigated for not reporting a 12-hour --
11 within 12 hours this child situation?
12 **A. I was investigated for not reporting -- what**
13 **they believe, not reporting in 12 hours for the**
14 **Mathis case.**
15 Q. Okay. So if I'm correct, you have 12 hours
16 once you are aware that a child might be
17 endangered or having been subjected to a
18 criminal act?
19 **A. Correct.**
20 Q. Okay. And you did not report?
21 **A. I did.**
22 **MS. ZELLNER:** Object to form.
23 **EXAMINATION**
24 **BY MR. SECUNDA:**
25 Q. So is your testimony, Officer Krause -- well,

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1 let me lay a foundation for this a little bit.
2 So when did you become aware that Ms. Mathis
3 had been accused by students in her class of
4 inappropriate touching?
5 **A. April 5th.**
6 Q. So you did not know on March 25, 2021 that this
7 incident had occurred?
8 **MS. ZELLNER:** Object to form.
9 **EXAMINATION**
10 **BY MR. SECUNDA:**
11 Q. You can answer.
12 **A. Not to the extent. So I knew something**
13 **occurred. I was not informed to what extent it**
14 **occurred.**
15 Q. And you were not informed as far as the extent
16 of what occurred on March 26, 2021?
17 **A. Correct.**
18 Q. And you weren't informed until April the 5th
19 2021?
20 **A. About 8:30. That's when I was informed on**
21 **April 5th.**
22 Q. So just so I have this cleaned up, so the first
23 time you became aware that a student had
24 allegedly been inappropriately touched by
25 Ms. Mathis was at 8:30 a.m. or so on the

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1 morning of April the 5th 2021?
2 **A. Yes. With an inappropriate touch, yes.**
3 Q. Okay. And I'll come back to that because,
4 obviously, that's the focus of this case. So I
5 want to go back to your employment history.
6 And I think you've answered most of
7 these questions already about kind of the
8 relationship between the Mosinee Police
9 Department and your role as a resource officer.
10 But just a few more questions. Did you apply
11 to become a school resource officer?
12 **A. Yes.**
13 Q. And there was an application process?
14 **A. Yes.**
15 Q. Do you remember what was part of that
16 application process?
17 **A. It was a letter of interest as well as an**
18 **interview in front of a panel.**
19 Q. Okay. And do you know if there were other
20 candidates when you applied?
21 **A. Yes.**
22 Q. And do you know how many other candidates there
23 were?
24 **A. One.**
25 Q. So out of two people, you were selected in, I

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1 assume, the fall of 2014 for this school
2 resource officer position at the Mosinee
3 schools?
4 **A. Would have been the beginning of 2015, January.**
5 Q. Okay. Let me also ask a few more questions
6 about your police department job. What are the
7 names of your direct supervisors?
8 **MR. ROMAN:** I'll just object. Can you
9 put a point in time?
10 **MR. SECUNDA:** Sure.
11 **EXAMINATION**
12 **BY MR. SECUNDA:**
13 Q. What is the name of your direct supervisor
14 presently at the Mosinee Police Department?
15 **A. It would be Kenneth Grams and then whoever the**
16 **senior officer is at that particular time if**
17 **our current police chief is not there.**
18 Q. Okay. So right now you do have a police chief
19 in Mosinee?
20 **A. Yes.**
21 Q. And that is Chief Grams?
22 **A. Correct.**
23 Q. And when you say if there is not another senior
24 police officer -- well, let me restate that.
25 When Chief Grams -- let me restate that again.

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1 So right now Chief Grams is your supervisor?
2 **A. Yes.**
3 Q. Is he your direct supervisor?
4 **A. Yes.**
5 Q. So you don't report to anyone first before you
6 report to Chief Grams?
7 **A. Correct.**
8 Q. There's not a lieutenant or any other senior
9 officer?
10 **A. Correct.**
11 Q. Do you remember when Chief Grams became the
12 police chief at the Mosinee Police Department?
13 **A. I do.**
14 Q. When was that?
15 **A. I don't recall the exact date. But it would**
16 **have been in -- I believe it was in -- I**
17 **believe it was in May.**
18 Q. May of 2021?
19 **A. Yes.**
20 Q. And prior to Chief Grams being the police chief
21 in May of 2021, who was the police chief of the
22 Mosinee Police Department?
23 **A. Ken Muelling.**
24 Q. And how long was Ken Muelling the police chief
25 of the Mosinee Police Department?

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1 **A. He was there prior to me. I believe he was**
2 **police chief for over 15 years.**
3 Q. So when you started at Mosinee Police
4 Department in 2014, Chief Muelling was in
5 charge?
6 **A. Yes.**
7 Q. And did you directly report to Chief Muelling?
8 **A. Yes.**
9 Q. So there was no intermediate senior officer who
10 you reported to first?
11 **A. Correct.**
12 Q. And do you remember when Chief Muelling left
13 the Mosinee Police Department?
14 **A. I don't recall.**
15 Q. Was there a time period between Chief Muelling
16 leaving and Chief Grams starting?
17 **A. Yes.**
18 Q. Do you know the length of that time period?
19 **A. It was a few months.**
20 Q. And in those type of circumstances when there's
21 not a chief of police, how is the department
22 supervised? Who's in charge?
23 **MR. ROMAN:** Object to form.
24 **MS. ZELLNER:** Object to form.
25 **MR. SECUNDA:** Let me restate it. I

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1 understand.
2 **EXAMINATION**
3 **BY MR. SECUNDA:**
4 Q. Who is in charge of the Mosinee Police
5 Department when there is not a chief of police,
6 like you've testified, in a couple-month period
7 of 2021?
8 **MR. ROMAN:** And we'll object. But go
9 ahead.
10 **THE WITNESS:** I don't know.
11 **EXAMINATION**
12 **BY MR. SECUNDA:**
13 Q. So when Chief Muelling left -- which we can
14 establish later for the record. But we're
15 going to say it's in March of 2021. And before
16 Chief Grams started, which again we can -- and
17 you've kind of stated May of 2021 -- there was
18 a period of time where there wasn't a chief.
19 Correct?
20 **A. Yes.**
21 Q. So who would you have reported to as your
22 supervisor during that time period?
23 **A. The reporting party I would report to would be**
24 **Officer Stankowski.**
25 Q. Okay. And what is Officer Stankowski's full

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1 name?
2 **A. I have -- Jeffrey Stankowski. I don't know**
3 **what his middle name is.**
4 Q. That's okay. And what is the rank of Jeffrey
5 Stankowski?
6 **A. Patrolman.**
7 Q. So he doesn't have a different rank than you as
8 far as sergeant, lieutenant or anything like
9 that?
10 **A. No.**
11 Q. Okay. But he is the senior officer; is that
12 correct?
13 **A. He's our most senior officer, yes.**
14 Q. So -- and I think I understand now. But it
15 seems what you're saying is that, when there's
16 not a chief of police, by default the person in
17 charge is the most senior officer in the
18 department?
19 **MR. ROMAN:** Object to form.
20 Foundation.
21 **MS. ZELLNER:** Object to form.
22 **EXAMINATION**
23 **BY MR. SECUNDA:**
24 Q. Go ahead. You can answer.
25 **A. I don't have that answer on how the structure**

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1 **portion of it's set up. That's who I reported**
2 **to.**
3 Q. Officer Stankowski?
4 **A. Yeah.**
5 Q. So how were you made aware that you were to
6 report to Officer Stankowski during this time
7 period that we're just discussing?
8 **A. He'd informed me.**
9 Q. Okay. In your position do you have any
10 supervisory duties or responsibilities?
11 **A. No.**
12 Q. So how many hours during a normal week do you
13 say you work as a school resource officer?
14 **A. 40.**
15 Q. So in addition to the 40 hours a week that you
16 work as a school resource officer, how many
17 hours a week do you work as a road officer? Or
18 maybe the better word is patrolman.
19 **A. Through the school year I am primarily placed**
20 **in the school. In the summer I am placed out**
21 **on the road. But our system is set up that the**
22 **road comes first, school comes second, because**
23 **my main duty is a patrolman, not a school**
24 **resource officer.**
25 **I can give you an example. If we had**

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1 a particular person call in sick, say,
2 yesterday, they would pull me out on the road
3 and say, you are no longer in the school today.
4 You have to cover the road. Or if we had a
5 particular case, an incident happened out on
6 the road, they would remove me from the school
7 because the road is my primary position.
8 So I don't have an answer for you
9 because every week could be different. One
10 week -- if all is perfect, I'm in the school a
11 hundred percent of the time during the school
12 year.
13 Q. When you're pulled out of the school to
14 substitute back onto the road duty, does anyone
15 substitute for you at the school?
16 A. No.
17 Q. So there's just no coverage at the school in
18 those situations?
19 A. Correct.
20 Q. Understood.
21 (Krause Exhibit No. 63 marked for
22 identification.)
23 **EXAMINATION**
24 **BY MR. SECUNDA:**
25 Q. Officer Krause, I'm putting in front of you --

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1 A. Can I take this?
2 Q. Please take that one. I'm putting in front of
3 you -- it's a long reach. I'm going to show
4 you what has been marked Exhibit 63 for
5 identification purposes. Can you tell me what
6 that is?
7 A. Looks like it's a training history report.
8 Q. Okay. Take your time, and leaf through it just
9 to make sure it's exactly what you think it is.
10 **MR. ROMAN:** While we're on the record,
11 I know we did this with regard to Ms. Mathis'
12 deposition. But, given that we're now looking
13 at, I believe, records that were provided
14 pursuant to production responses, I don't want
15 to have to go -- all of these were marked and
16 are subject to the protective order.
17 So I'm assuming that we're going to go
18 through the same methodology that we used at
19 Ms. Mathis' deposition as far as, they're
20 marked. They're not going to be submitted to
21 the court or anything absent a seal.
22 **MR. SECUNDA:** That is correct. We
23 have a protective order in place with regard to
24 certain law enforcement records. And to the
25 extent that they become part of the deposition

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1 transcript, we will use the same process we
2 used with the students who are protected to
3 make sure that the deposition that's filed with
4 the court is appropriately redacted.
5 **MR. ROMAN:** And I believe and just --
6 and I think it was in our -- there are certain
7 records that were marked confidential. And
8 then there were certain records meant
9 protected. If I recall, we marked them
10 protected. That might contain particular
11 information that has to be redacted.
12 But if they're confidential we're, at
13 least at this point as far as the discovery
14 response, marking them as confidential. So
15 they may have to be completely under seal, not
16 just redacted. And we can talk about that
17 afterwards.
18 **MR. SECUNDA:** We'll talk about that
19 afterwards.
20 **MR. ROMAN:** And I'm assuming since you
21 mentioned videos, we'll have to deal with the
22 same thing because there are mentions, as we
23 know, of minor children in some of the videos.
24 So as long as we're all under that
25 understanding.

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1 **MR. SECUNDA:** Yeah. We will work with
2 all the parties to appropriately protect those
3 documents, videos, audio recordings that should
4 be marked confidential or --
5 **MR. ROMAN:** Protected.
6 **MR. SECUNDA:** -- protected.
7 **MR. ROMAN:** Thank you.
8 **MR. SECUNDA:** Does anyone else have
9 any thoughts on that? Lori or Kiley?
10 **MS. ZELLNER:** No.
11 **EXAMINATION**
12 **BY MR. SECUNDA:**
13 Q. Okay. Officer Krause, you've now had a lot of
14 time to look at the training history report.
15 Is this, in fact, a training history report for
16 you?
17 A. It appears to be, yes.
18 Q. Okay. You've now reviewed it. Is this a
19 complete and accurate list, Exhibit 63, of all
20 the training you've undertaken?
21 **MS. ZELLNER:** Object to form.
22 **MR. ROMAN:** I'll join.
23 **EXAMINATION**
24 **BY MR. SECUNDA:**
25 Q. You can answer.

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1 **A. I don't know.**
2 Q. Well, let me direct your attention to the first
3 page under courses and title. It appears the
4 most recent training date is June 14, 2022. Is
5 that correct?
6 **A. Yes.**
7 Q. And that is LSB. What does that stand for; do
8 you know?
9 **A. I don't know.**
10 Q. Handgun qualification course, FY-2022. And
11 then underneath it says 7-1-21 to 6-30-22. Do
12 you see that?
13 **A. Yes.**
14 Q. Okay. Have you done any training since June
15 14, 2022 that would potentially -- I should --
16 let me restate that. Have you engaged in any
17 police officer training since June 14, 2022?
18 **A. No.**
19 Q. Okay. I noticed, Officer Krause, on Exhibit 63
20 that, with regard to some of the entries here,
21 you've received training more than once. Is
22 that correct? You don't have to answer yet.
23 Let me give you an example. So, for
24 instance, on the first page if you look at the
25 very bottom, it says, 2021 Badger T-r-a-C-S

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1 user conference. Do you know what T-r-a-C-S
2 is?
3 **A. It's Badger TraCS.**
4 Q. Okay. And then if you turn to page 3 -- it's
5 page 3 of 5 -- do you see again at the bottom
6 there's Badger TraCS user conference?
7 **A. Yes.**
8 Q. So, in fact, there are types of training that
9 you've received more than once?
10 **A. These would be yearly trainings.**
11 Q. And why is that? Why do you yearly train, for
12 instance, on the Badger TraCS?
13 **A. It's a software program that's designed to**
14 **write citations. And every year the company**
15 **who designs it puts new features into it for us**
16 **to learn.**
17 Q. Got it. Now, if you look through this training
18 history report which we've marked as Exhibit
19 63, can you identify any training you received
20 regarding crimes involving either the sexual
21 assault or sexual abuse of minors?
22 **MS. ZELLNER:** Object to form.
23 **MR. ROMAN:** I will join.
24 **EXAMINATION**
25 **BY MR. SECUNDA:**

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1 Q. Please answer. And take your time, too,
2 please.
3 **A. Can you repeat your question now that I looked**
4 **at this?**
5 Q. Of course. Can you identify any training you
6 received regarding crimes involving the sexual
7 assault or sexual abuse of a minor?
8 **A. I don't see any in here.**
9 Q. If you would, can you turn with me to page 2 of
10 5 of Exhibit 63.
11 **A. Okay.**
12 Q. I'm about six lines down. Do you see where it
13 says, Marsy's Law update?
14 **A. I do.**
15 Q. What is Marsy's Law?
16 **A. I'd have to look at it. I don't recall the**
17 **definition of it.**
18 Q. Does it involve juveniles or minors?
19 **A. I'd have to relook at the definition before I**
20 **would answer it.**
21 Q. Okay. And then two entries after that, it
22 states, adolescent mental health training. Do
23 you see that?
24 **A. I do.**
25 Q. What does that entail, adolescent mental health

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1 training?
2 **A. That would end up dealing with juveniles that**
3 **would end up having crisis situations with**
4 **their mental health and how to work with them**
5 **through crisis.**
6 Q. Okay. And then further down maybe another ten
7 lines, do you see where it says, response to
8 online sexual exploitation of children, tools
9 for first responders?
10 **A. Yes.**
11 Q. Can you tell me what that training was about?
12 **A. That training would be designed when we show up**
13 **on scene to how we would collect data evidence,**
14 **like a computer.**
15 Q. Okay. And then further down -- now I'm about
16 six lines up from the bottom of page 2 of 5 --
17 do you see where it says both school resource
18 office conference and school resource officer
19 training conference?
20 **A. Yes.**
21 Q. Would there be any training regarding crimes
22 involving the sexual assault or sexual abuse of
23 a minor during one of those conferences?
24 **A. I don't recall if during those particular**
25 **conferences. Those are normally speakers.**

<p style="text-align: right;">Page 45</p> <p>1 Q. Okay.</p> <p>2 A. It's not an actual training situation. It's a</p> <p>3 public speaker that comes in and talks.</p> <p>4 Q. So is it your understanding that this training</p> <p>5 history report is part of your job</p> <p>6 requirements?</p> <p>7 MS. ZELLNER: Object to form.</p> <p>8 MR. ROMAN: Join.</p> <p>9 EXAMINATION</p> <p>10 BY MR. SECUNDA:</p> <p>11 Q. Let me restate it. Do you have to go through</p> <p>12 certain forms of training on an annual basis if</p> <p>13 you are going to be a police officer of the</p> <p>14 Mosinee Police Department?</p> <p>15 A. Yes.</p> <p>16 Q. And is this a form that is used for all police</p> <p>17 officers, to keep track of their training?</p> <p>18 A. I've never seen this form before because I</p> <p>19 don't keep track of my training. The police</p> <p>20 chief does.</p> <p>21 Q. But would you agree that what is listed here is</p> <p>22 accurate as far as your training?</p> <p>23 MS. ZELLNER: Object to form.</p> <p>24 MR. ROMAN: I'll join.</p> <p>25 EXAMINATION</p>	<p style="text-align: right;">Page 47</p> <p>1 Q. Please answer.</p> <p>2 A. No.</p> <p>3 Q. Okay. And this is related, but I just want to</p> <p>4 make sure that I'm not missing anything. Did</p> <p>5 you receive any training on interacting or</p> <p>6 dealing with children in criminal</p> <p>7 investigations?</p> <p>8 A. Yes.</p> <p>9 Q. Can you describe that training?</p> <p>10 A. That would be the NASRO training that's</p> <p>11 designed for school resource officers on how to</p> <p>12 interact with kids and how to handle</p> <p>13 situations.</p> <p>14 Q. And can you explain to me what that type of</p> <p>15 training entails?</p> <p>16 A. Just on how we would appropriately handle</p> <p>17 children in situations in a broad variety of</p> <p>18 different situations.</p> <p>19 Q. So can you give me an example of what one thing</p> <p>20 you learned was as part of that training?</p> <p>21 A. It would be, when a child is in crisis, on how</p> <p>22 we would end up handling a child in need due to</p> <p>23 the fact that hands-on necessarily isn't always</p> <p>24 a situation compared to, like, an adult because</p> <p>25 I'm significantly larger than a child and how</p>
<p style="text-align: right;">Page 46</p> <p>1 BY MR. SECUNDA:</p> <p>2 Q. You can answer.</p> <p>3 A. I don't know because I didn't enter these.</p> <p>4 Q. Is there anything on this training history</p> <p>5 report for you, officer, that we've marked</p> <p>6 Exhibit 63 that you would tell me is inaccurate</p> <p>7 as far as an entry? And please take your time.</p> <p>8 Like, look through the whole thing.</p> <p>9 A. I don't see anything in here that would be</p> <p>10 inaccurately entered of a training that I</p> <p>11 didn't receive.</p> <p>12 Q. Understood. Now let me ask you this question.</p> <p>13 Have you received any training not listed on</p> <p>14 what we've marked as Exhibit 63 regarding the</p> <p>15 handling or investigating sexual assault of</p> <p>16 minor cases?</p> <p>17 A. No.</p> <p>18 Q. So to conclude, there's nothing in this</p> <p>19 training history report nor elsewhere where you</p> <p>20 were trained on how to investigate sexual</p> <p>21 assault of minor cases?</p> <p>22 MS. ZELLNER: Object to form.</p> <p>23 MR. ROMAN: I'll join.</p> <p>24 EXAMINATION</p> <p>25 BY MR. SECUNDA:</p>	<p style="text-align: right;">Page 48</p> <p>1 we would appropriately handle a child in a</p> <p>2 crisis.</p> <p>3 Q. And what does NASRO stand for?</p> <p>4 A. I've got to look at it. I don't recall.</p> <p>5 Q. Let me give you a guess. Is it the National</p> <p>6 Association of School Resource Officers?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Did you receive any specific training</p> <p>9 when you became the Mosinee School District</p> <p>10 student resource officer?</p> <p>11 MS. ZELLNER: Object to form.</p> <p>12 MR. ROMAN: I'll join.</p> <p>13 EXAMINATION</p> <p>14 BY MR. SECUNDA:</p> <p>15 Q. You can answer.</p> <p>16 A. When I became the school resource officer?</p> <p>17 Q. So in, I think you testified, January of 2015.</p> <p>18 A. Yes. My first training would have been NASRO,</p> <p>19 which I believe it's listed on here in August</p> <p>20 of that same year.</p> <p>21 Q. And when you say listed here, you mean Exhibit</p> <p>22 63. It looks like the NASRO training in 2015</p> <p>23 is on page 4 of 5; is that correct? NASRO</p> <p>24 basic school resource officer?</p> <p>25 A. Where do you see it on the page?</p>

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1 Q. So it's on page 4 of 5.
2 **A. I see it. Yes.**
3 Q. Do you see it?
4 **A. Yep.**
5 Q. And is that annual training?
6 **A. No. That's a one-time training.**
7 Q. And who conducts that training?
8 **A. The association itself. NASRO does.**
9 Q. And is NASRO made up of school resource
10 officers from across the country?
11 **A. It's made up of just employees that end up**
12 **teaching. So I don't -- it's made up of**
13 **ex-police officers, current police officers,**
14 **whoever they decide to have as their trainer.**
15 Q. Okay.
16 **MR. SECUNDA:** For everyone else in the
17 room, for what we sent you last night, it's the
18 Mosinee School District school resource
19 officer's policies.
20 (Krause Exhibit No. 64 marked for
21 identification.)
22 **EXAMINATION**
23 **BY MR. SECUNDA:**
24 Q. Officer Krause, I've just given you a document
25 marked as Exhibit 64 for purposes of

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1 identification for today's deposition. Can you
2 tell me what that is after you've had a chance
3 to review it?
4 **A. It appears it's the agreement between the**
5 **Mosinee Police Department for the school**
6 **resource officer and the school.**
7 Q. And is it, in fact, entitled at the top,
8 Exhibit A, Mosinee Police Department School
9 Resource Officer Policy?
10 **A. Yes.**
11 Q. And it states its direct supervisor is the
12 police chief? I'm on page 1.
13 **A. I was just looking. I'm sorry. Yes.**
14 Q. And work schedule is flexible. I assume that,
15 you know, squiggle in front of the 4 means
16 approximately, but flexible, squiggle, four
17 hours per day?
18 **A. Yeah. I don't know what the squiggle is. But**
19 **yes.**
20 Q. It's probably --
21 **A. Four hours a day.**
22 Q. Okay. Position is sworn and certified?
23 **A. Yes.**
24 Q. And this policy is dated September 1, 2007?
25 **A. Correct.**

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1 Q. Okay. So are you familiar with this document?
2 **A. I'm familiar with the new document.**
3 Q. So this is not the current document for this
4 policy?
5 **A. Correct.**
6 Q. Do you know the date of the more current
7 policy?
8 **A. Would have been this year.**
9 Q. So 2022?
10 **A. Correct.**
11 **MR. SECUNDA:** Okay. Let me just state
12 for the record, I'm not sure if this is
13 something the school district has or the police
14 department has. But we would request --
15 **MR. ROMAN:** Yes. That's fine.
16 **MR. SECUNDA:** -- the 2022 school
17 resource officer.
18 **MR. ROMAN:** Off the record.
19 (Discussion held off the record.)
20 **MR. SECUNDA:** So counsel in this case
21 just had a discussion off the record discussing
22 the fact that there is a new Mosinee Police
23 Department school resource officer policy that
24 was likely issued two to three months ago from
25 today's date. We will be getting a copy of

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1 that report in the future.
2 **EXAMINATION**
3 **BY MR. SECUNDA:**
4 Q. But in the meantime, Officer Krause, I want to
5 go over this document, which is dated September
6 1, 2007. Okay?
7 **A. Okay.**
8 Q. Are you familiar with this document from 2007?
9 **A. Yes.**
10 Q. And whether it be this document from 2007 or
11 the one that is the new school resource officer
12 policy from 2022, do you refer to it? Do you
13 use it?
14 **MS. ZELLNER:** Object to form.
15 **EXAMINATION**
16 **BY MR. SECUNDA:**
17 Q. You can answer that.
18 **A. No.**
19 Q. So I'm going to refer to what is Bates stamped
20 as -- if you look at the bottom, it says,
21 Krause 0002. Do you see that?
22 **A. I do.**
23 Q. And then you see on the first page there it
24 says, philosophy, slash, concept. Can you take
25 a second, officer, and re-read the

<p style="text-align: right;">Page 53</p> <p>1 philosophy/concept on Krause 002? And let me 2 know when you're finished. 3 A. Okay. 4 Q. When were you first presented with this 5 document? 6 A. This year. 7 Q. Were you presented this document -- and when I 8 say this document, let me be clear -- which we 9 have marked as 64 and is in front of you which 10 is dated September 1, 2007, would you have 11 received this when you first became a school 12 resource officer? 13 A. No. 14 Q. So you didn't receive this document until this 15 year, 2022? 16 A. I received this document by our current chief, 17 Chief Grams. 18 Q. And the form that you received the current 19 document in, in 2022, was the first time you 20 had seen this document? 21 A. Correct. 22 Q. Understood. So now that you've read this 23 philosophy and concept section, would you agree 24 that, as the school resource officer at Mosinee 25 School District, you are responsible for</p>	<p style="text-align: right;">Page 55</p> <p>1 A. I do. 2 Q. And can you describe this, what it means to 3 participate in school resource officer 4 training? 5 A. I can only assume what this means because this 6 was not something that was given to me 7 originally. But that would be, like, your 8 NASRO training. 9 When we had first started we were 10 doing monthly trainings or monthly meetings 11 with the other surrounding SROs. I would 12 attend the yearly SRO conference. So in 13 regards to those forms of trainings. 14 Q. Understood. Additionally, if you would turn 15 the page to Krause 0004, there are three other 16 tasks I want to focus on. So first -- and this 17 is -- just to kind of show you where I am, this 18 is fourth down on page Krause 0004. 19 It states, responds to and 20 investigates incidents or crimes, disorder and 21 traffic offenses on or near school property. 22 Do you see that? 23 A. I do. 24 Q. And can you describe that function to me that 25 you undertake?</p>
<p style="text-align: right;">Page 54</p> <p>1 protecting students and staff members? 2 A. Yes. 3 Q. And would you agree that staff members include 4 teachers? 5 A. Yes. 6 Q. And so when you do an investigation, you are 7 trying to protect both teachers and students, 8 correct? 9 A. Yes. 10 MS. ZELLNER: Object to form. 11 MR. ROMAN: Object to form and 12 foundation. 13 EXAMINATION 14 BY MR. SECUNDA: 15 Q. So let's turn the page, Officer Krause, to 16 what's labeled Krause 0003 at the bottom. 17 There is an outline of the tasks a school 18 resource officer performs. Do you see that? 19 A. The tasks performed, that section? 20 Q. Yes. 21 A. Yep. 22 Q. One of the tasks, if you look with me -- I 23 believe it's task number 5 -- is participates 24 in school resource officer training. Do you 25 see that?</p>	<p style="text-align: right;">Page 56</p> <p>1 A. That would be my general patrol duties, to 2 investigate crimes or any type of offense on 3 school property or surrounding, so within the 4 City of Mosinee. 5 Q. Are there any types of offenses on the school 6 property that you do not investigate? 7 A. If it's not a crime, I wouldn't investigate it. 8 Q. So you only investigate something that is 9 potentially a crime at the school? 10 A. Correct. 11 Q. Okay. Let's go down further. It says right 12 under, conducts follow-up investigations 13 involving students who are victims, witnesses 14 or offenders. Do you see that? 15 A. Yes. 16 Q. And can you describe that function to us? 17 A. Would just -- would follow up with any type of 18 student or any type of an individual to 19 determine or to gather more information in 20 regards to a case that's being investigated. 21 Q. Okay. And then, finally, two down from that it 22 states, makes arrests and takes offenders into 23 custody in compliance with the law and 24 department policy. Do you see that? 25 A. I do.</p>

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1 Q. And can you describe that function?
2 **A. To make an arrest I would need the probable**
3 **cause of the offender to put them into custody**
4 **following the law as well as our department**
5 **policy, which also is a copy of the law.**
6 Q. Okay. So let's move on to the bottom of Krause
7 0004. And it goes onto the top of Krause 005.
8 The title is, police investigation and
9 questioning. Do you see that?
10 **A. Yes.**
11 Q. Okay. So pursuant to this question, you have
12 the authority to investigate incidents that
13 occur on school property; is that correct?
14 **A. Yes.**
15 Q. And when we say school property, I assume that
16 just -- that school property is not just the
17 physical building, but the grounds around
18 school property?
19 **A. Anything that the school would own.**
20 Q. Okay. What types of incidents or crimes do you
21 typically investigate pursuant to this
22 authority?
23 **MS. ZELLNER:** Object to form.
24 **MS. LUBINSKY:** I'll join.
25 **MR. ROMAN:** Join.

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1 **MS. LUBINSKY:** It's overly broad.
2 **EXAMINATION**
3 **BY MR. SECUNDA:**
4 Q. You can answer.
5 **A. My typical ones that I would deal with -- I**
6 **deal with a lot -- are inappropriate pictures**
7 **being sent back and forth by youth, drugs,**
8 **vaping, and, like, physical altercations.**
9 Q. And you can do that without the prior authority
10 of the principal?
11 **MS. ZELLNER:** Object to the form.
12 **MS. LUBINSKY:** I'll join.
13 **EXAMINATION**
14 **BY MR. SECUNDA:**
15 Q. Let me restate it. Can you start an
16 investigation of the sorts that you've just
17 described without receiving authorization, if
18 it's in the middle school, from Principal
19 Grube?
20 **MS. LUBINSKY:** I'll object to the
21 form.
22 **EXAMINATION**
23 **BY MR. SECUNDA:**
24 Q. Go ahead.
25 **A. I don't need permission from Officer Grube if**

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1 **it's a violation of the law.**
2 Q. You mean Principal Grube?
3 **A. What did I say?**
4 Q. Officer Grube.
5 **A. Oh, did I? Yeah. Principal Grube.**
6 Q. You just deputized him. I'm not sure you have
7 that power.
8 **MR. ROMAN:** He doesn't.
9 **EXAMINATION**
10 **BY MR. SECUNDA:**
11 Q. Okay. Understood. So under police
12 investigation and questioning, you have the
13 authority to investigate incidents on school
14 property, correct?
15 **A. Correct.**
16 Q. Okay. And when investigating these incidents,
17 am I right that you are authorized to interview
18 students?
19 **A. Yes.**
20 Q. And you are authorized to take their
21 statements?
22 **A. Yes.**
23 Q. Does this policy provide you with the authority
24 to interview the accused teacher or staff
25 member?

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1 **MS. LUBINSKY:** Object to the form.
2 **MS. ZELLNER:** Object to form.
3 **MR. ROMAN:** I'll join.
4 **EXAMINATION**
5 **BY MR. SECUNDA:**
6 Q. Go ahead. You can answer.
7 **A. This would give me the authority to interview**
8 **anyone that I would feel necessary.**
9 Q. Including staff members?
10 **A. Yes.**
11 Q. Including teachers?
12 **A. Yes.**
13 Q. Including administrators?
14 **A. Yes.**
15 Q. Is that something you typically do?
16 **MS. ZELLNER:** Object to form.
17 **MS. LUBINSKY:** I'll join.
18 **MR. ROMAN:** So will I.
19 **EXAMINATION**
20 **BY MR. SECUNDA:**
21 Q. Go ahead. You can answer.
22 **A. Can you rephrase the question?**
23 Q. Sure. Do you typically interview staff members
24 as part of your role investigating
25 criminal-type behavior at the school in

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1 Mosinee?

2 **A. If it involves them or I have a question for**

3 **them, yes. But, typically, we don't have**

4 **involvement with staff or teachers. It's**

5 **normally student and student or student and**

6 **parent.**

7 Q. Okay. And on page Krause 0005 -- so turn the

8 page, please -- you are provided with the

9 authority to make arrests; is that correct?

10 **A. Yes.**

11 Q. And are these arrests to be made on school

12 property, or are you authorized to make these

13 arrests wherever they're -- the person that

14 you're interested in is located?

15 **MS. LUBINSKY:** Object to the form.

16 **MS. ZELLNER:** Join.

17 **EXAMINATION**

18 **BY MR. SECUNDA:**

19 Q. You can answer.

20 **A. I can make the arrest -- I don't have a**

21 **particular location that I can or can't make**

22 **the arrest. If probable cause is met and**

23 **determines an arrest, I can make that arrest at**

24 **any location.**

25 Q. Okay. So I want to clarify something. So we

Page 62

1 just talked about, not frequently, but you do

2 on occasion interview staff members,

3 administrators, teachers as part of your

4 investigations; is that correct?

5 **A. Yes.**

6 Q. Do you take their statements only when it

7 involves them, or do you also talk to them when

8 they're witnesses?

9 **A. I would -- both.**

10 Q. Both. Okay. Okay.

11 (Krause Exhibit No. 65 marked for

12 identification.)

13 **EXAMINATION**

14 **BY MR. SECUNDA:**

15 Q. Officer Krause, I have handed you what has been

16 marked for identification purposes as Exhibit

17 65. Please take a second to review that.

18 **A. Okay.**

19 Q. Can you please identify what has been marked

20 Exhibit 65?

21 **A. It appears to be the Mosinee Middle School**

22 **handbook.**

23 Q. Okay. And is it for the -- it looks like for

24 the academic year of 2020 to 2021?

25 **A. Yes.**

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1 Q. Okay. And as you can see, if you look at the

2 bottom of this document labeled 65, it says,

3 Krause 0008. Do you see that?

4 **A. Yes.**

5 Q. Okay. So this was produced as part of your

6 responses to plaintiffs' discovery, correct?

7 **A. Yes.**

8 Q. So are you familiar with this document?

9 **A. With the piece of paper in front of me, the**

10 **particular document, no. But the handbook,**

11 **yes.**

12 Q. Okay. And is this something you refer to in

13 your capacity as a student resource officer at

14 Mosinee?

15 **A. I have in the past, yes.**

16 Q. How often? Can you give me an approximation?

17 **A. I couldn't recall.**

18 Q. Okay. Are the policies and procedures set

19 forth in this document something that you

20 enforce in your capacity as the student

21 resource officer at Mosinee?

22 **MS. ZELLNER:** Object to form.

23 **MS. LUBINSKY:** I'll join.

24 **MR. ROMAN:** I will join.

25 **EXAMINATION**

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1 **BY MR. SECUNDA:**

2 Q. You can answer.

3 **A. Can you rephrase the question?**

4 Q. Sure. Are the policies and procedures set

5 forth in what has been marked document 65

6 something you enforce in your capacity as a

7 student resource officer at Mosinee?

8 **A. The school's policies --**

9 **MS. LUBINSKY:** Hold on. I'm going to

10 object to the form. Go ahead.

11 **EXAMINATION**

12 **BY MR. SECUNDA:**

13 Q. But you can answer.

14 **A. The school policies or the police department**

15 **policies?**

16 Q. The school policies.

17 **A. I don't enforce the school policies.**

18 Q. Then the police policies.

19 **A. Police department policies I enforce.**

20 Q. So is it your testimony that what's contained

21 here in Exhibit 65, student handbook and

22 planner, are not school policies?

23 **A. This is school policies.**

24 Q. So because they're school policies, you've just

25 testified you don't enforce school policies?

<p style="text-align: right;">Page 65</p> <p>1 A. I should rephrase that. It's a policy that 2 would result in me to have to interact due to a 3 law enforcement issue, yes. But depending on 4 what policy you're speaking of, no. 5 Q. I'm going to unpack what you just said. So if 6 it's a school policy that involves law 7 enforcement duties that you have, then yes, you 8 enforce it? 9 A. Yes. So I can reference back to the resource 10 policy in here when it would come to a police 11 investigation and questioning. That's a policy 12 that would be set up that would allow me to 13 speak with individuals. 14 So that policy I would particularly 15 follow. But in regards to some of our other 16 school policies, say a cell phone policy, I 17 don't enforce cell phone policies. It's not 18 against the law. 19 Q. But if a cell phone policy infraction was part 20 of a criminal investigation, you would 21 investigate it? 22 MS. ZELLNER: Object to form. 23 MS. LUBINSKY: I'll join. 24 MR. ROMAN: Join. 25 EXAMINATION</p>	<p style="text-align: right;">Page 67</p> <p>1 Correct? 2 A. What page are we looking at? 3 Q. We're on Krause 9 at the bottom. It's the 4 chart. Do you see where it says using 5 personal -- 6 A. Okay. Yes. 7 Q. -- or school wireless device at MMS? 8 A. Yes. 9 Q. I assume MMS is Mosinee Middle School, correct? 10 A. Correct. 11 Q. Okay. And so, for instance, if you go down to 12 row 3, it says, outdoor recess, and then in 13 parentheses, cell phone. Do you see that? 14 A. I do. 15 Q. Okay. And then across it has different 16 columns, listen to music, surf, pictures or 17 recordings. Do you see that? 18 A. Yes. 19 Q. Okay. So if I understand this correctly, this 20 is what is acceptable and not acceptable for 21 students to use their phones on school grounds? 22 MS. ZELLNER: Object to form. 23 MR. ROMAN: Object to form and 24 foundation. 25 MS. LUBINSKY: I'll join.</p>
<p style="text-align: right;">Page 66</p> <p>1 BY MR. SECUNDA: 2 Q. You can answer. 3 A. Depending on what was -- how the particular 4 device was used. 5 Q. Listen to my question again, please. If you 6 had a cell phone policy infraction under school 7 rules that was part of a criminal 8 investigation, you have the authority to 9 investigate that, do you not, officer? 10 MS. ZELLNER: Object to form. 11 MS. LUBINSKY: I'm going to join. 12 MR. ROMAN: So will I. 13 EXAMINATION 14 BY MR. SECUNDA: 15 Q. You can still answer. 16 A. It depends on the situation. 17 Q. Okay. Well, we will be coming back to one of 18 these situations. 19 A. Okay. 20 Q. So we will talk further about this. So let's 21 turn to what's labeled Krause 9, going over to 22 10. So just turn the page. So, in fact, if 23 you look at the chart on Krause 9, which is 24 part of Exhibit 65, it discusses the Mosinee 25 Middle School student personal cell phone use.</p>	<p style="text-align: right;">Page 68</p> <p>1 EXAMINATION 2 BY MR. SECUNDA: 3 Q. You can answer. 4 A. This would be the school's policy that they 5 created on when they believe electronic devices 6 should be used. 7 Q. And does it also provide the consequences for 8 cell phone violations? 9 A. Yes. That would be on Krause 0010. 10 Q. Okay. And so you're looking at the top of 11 Krause 0010 where it's entitled at the top, 12 consequences for wireless violations? 13 A. Yes. 14 Q. Okay. Let's read those. So number 1 says, 15 confiscation of the device by classroom 16 teacher, slash, assistant. Student picks up 17 their device after school from the teacher or 18 office, period. Did I read that correctly? 19 A. You did. 20 Q. Let me read number 2. Confiscation of the 21 device by classroom teacher, slash, assistant. 22 Phone taken to the main office. Parent must 23 pick up the device from the principal or 24 assistant principal. Did I read that 25 correctly?</p>

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1 **A. You did.**
2 Q. Okay. And then I'm going to read number 3,
3 which is the last one. Confiscation of the
4 device by classroom teacher/assistant. Office
5 discipline referral given. Phone taken to the
6 main office. Parent must pick up the device
7 from the principal or assistant principal.
8 Loss of privilege to have possession of any
9 device at school for one month. A student may
10 check their device in at the office during that
11 time.
12 Is that accurate, Officer Krause?
13 **A. Yes.**
14 Q. Thank you. And if you look also on Krause 10,
15 there is a section listed, classroom rules. Do
16 you see that in the second column?
17 **A. I do.**
18 Q. And under it, it says, each class has its own
19 specific classroom matrix of rules. Did I read
20 that right?
21 **A. Yes.**
22 Q. Okay. So in your opinion -- and I'm only
23 asking your opinion, not what the school
24 believes, but only in your opinion -- does the
25 school have an overarching cell phone policy?

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1 **MS. ZELLNER:** Object to form.
2 **MR. ROMAN:** Object to form and
3 foundation.
4 **MS. LUBINSKY:** I will as well.
5 **EXAMINATION**
6 **BY MR. SECUNDA:**
7 Q. You can answer.
8 **A. Can you repeat it?**
9 Q. Sure. Is it your opinion, based on what we
10 just reviewed in Exhibit 65, that Mosinee
11 School District has an overarching cell phone
12 policy?
13 **A. What do you mean by overarching?**
14 Q. I'll take the word overarching out. Does the
15 Mosinee School District have a cell phone
16 policy?
17 **A. Yes. It has an electronic wireless device**
18 **policy, not a cell phone policy.**
19 Q. Well, let me bring you back to Krause 009 to
20 that chart that we looked at. Do you see that?
21 **A. Yes.**
22 Q. It does say the word, cell phone, doesn't it,
23 in that chart?
24 **A. In parentheses, yes.**
25 Q. Okay. And when Ms. Mathis was a school

Page 71

1 teacher -- well, let me take a step back
2 because I have to make some foundation here.
3 Do you remember when Ms. Christy Mathis was a
4 school teacher at the Mosinee Middle School?
5 **A. I do.**
6 Q. What was that time period?
7 **A. The entire time I had been employed from**
8 **2014 -- or when I started at the school in**
9 **2015, at the beginning of the year, to 2021, I**
10 **believe in April.**
11 Q. Okay.
12 **A. Yeah, April.**
13 Q. So from when you started in January of 2015 to
14 April of 2021; is that accurate?
15 **A. Yes.**
16 Q. Okay. And do you remember what her role was at
17 the Mosinee Middle School?
18 **A. Art teacher.**
19 Q. And do you know what grade levels she taught?
20 **A. I believe it was all grade levels.**
21 Q. And what does that include in the Mosinee
22 Middle School?
23 **A. Fourth, fifth, six, seventh, and eighth.**
24 Q. So fourth to eighth grade?
25 **A. Yes.**

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1 Q. Okay. So when Ms. Mathis was a teacher, did
2 she have the authority to enforce her own cell
3 phone policy?
4 **MS. ZELLNER:** Object to form.
5 **MS. LUBINSKY:** I'll object to form.
6 Foundation.
7 **MR. ROMAN:** I will join both.
8 **EXAMINATION**
9 **BY MR. SECUNDA:**
10 Q. And now you can answer.
11 **A. Based off of the documentation in front of me,**
12 **yes. It's initialed WP along with teacher's**
13 **permission.**
14 Q. Okay. So she had the authority to enforce her
15 own cell phone policy, Ms. Mathis, during her
16 employment at Mosinee Middle School?
17 **MS. ZELLNER:** Object to form.
18 **MS. LUBINSKY:** I'm going to object to
19 the form. Foundation.
20 **MR. ROMAN:** I will join.
21 **EXAMINATION**
22 **BY MR. SECUNDA:**
23 Q. It's hard when there's three different people.
24 So you can answer, officer.
25 **A. Based off of the document in front of me, yes.**

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1 **MR. SECUNDA:** Let him answer for
2 himself.
3 **MS. LUBINSKY:** Hold on. We have to
4 have an orderly way to do this. You got to let
5 us get objections out on the record. I object
6 to the form of that question.
7 **MR. ROMAN:** I do as well. Thank you.
8 **EXAMINATION**
9 **BY MR. SECUNDA:**
10 Q. And I'm going to restate the question because
11 I'm sure you forgot it at this point.
12 **A. Go ahead.**
13 Q. Yes. So your testimony -- because I just want
14 to make sure I understand what you're saying
15 because this is important. Your testimony is,
16 if a student at Mosinee Middle School has their
17 cell phone taken away and they are upset about
18 it, that is not relevant to your investigation
19 into why the student filed a complaint against
20 that teacher?
21 **MS. ZELLNER:** Same objection.
22 **MS. LUBINSKY:** Same objection.
23 **MR. ROMAN:** Same objection.
24 **THE WITNESS:** It's looked into. But
25 my relevance goes down to what physical facts

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1 are presented to me. She could be upset
2 because she got a poor grade on a test. She
3 could be upset because someone told her that
4 her shoes don't look nice.
5 I don't care if it's a cell phone or
6 what their -- necessarily their feelings are.
7 It's put into consideration. But I don't look
8 for opinions or feelings. I look for facts.
9 **EXAMINATION**
10 **BY MR. SECUNDA:**
11 Q. But isn't a fact what the child's motivation
12 is?
13 **A. The motivation came forward as well as**
14 **witnesses that suggest that a crime had been**
15 **violated.**
16 Q. Okay. We'll get into whether a crime --
17 because, obviously, that's not what occurred,
18 right? There was no probable cause, right,
19 officer?
20 **MS. ZELLNER:** Object to form.
21 **MS. LUBINSKY:** I'll object to the
22 form. It is multiple.
23 **MR. ROMAN:** And I'll --
24 **EXAMINATION**
25 **BY MR. SECUNDA:**

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1 Q. Was there any --
2 **MR. ROMAN:** Wait a minute. Let me --
3 **MS. ZELLNER:** You have to let us get
4 objections out.
5 **MR. ROMAN:** I would object. It's
6 argumentative as well as to form.
7 **MR. SECUNDA:** Is everyone okay? Let
8 me try again.
9 **EXAMINATION**
10 **BY MR. SECUNDA:**
11 Q. So your investigation into Ms. Mathis led to
12 her arrest, correct?
13 **A. Yes.**
14 Q. And it also led to her being criminally
15 charged, correct?
16 **MS. ZELLNER:** Object to form.
17 **MS. LUBINSKY:** I'll join.
18 **MR. ROMAN:** I'll join.
19 **EXAMINATION**
20 **BY MR. SECUNDA:**
21 Q. Her arrest led to her being criminally charged,
22 correct?
23 **A. Are you asking me that?**
24 Q. Yeah.
25 **A. I thought you were talking to --**

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1 Q. No. I'm asking you. They just can object, and
2 I can ignore them if I want.
3 **A. Yes.**
4 Q. Okay. So -- and that criminal conviction was
5 found to have no probable cause by the criminal
6 court, correct?
7 **MR. ROMAN:** Object.
8 **MS. ZELLNER:** Object.
9 **MR. ROMAN:** I'm sorry. Now I'm doing
10 it. I'll object to form.
11 **MS. LUBINSKY:** I'll join.
12 **MR. ROMAN:** You said criminal
13 conviction.
14 **MS. ZELLNER:** Right.
15 **MR. SECUNDA:** Oh. Okay.
16 **EXAMINATION**
17 **BY MR. SECUNDA:**
18 Q. That criminal complaint that was filed based on
19 your investigation was thrown out for a lack of
20 probable cause, wasn't it, Officer Krause?
21 **MS. ZELLNER:** Object to form.
22 **MR. ROMAN:** I will join.
23 **MS. LUBINSKY:** I will join.
24 **THE WITNESS:** The charge that the DA's
25 office requested, there was no probable cause

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1 for their request of the charge.
2 **MR. SECUNDA:** Okay. Why don't we -- I
3 want to -- I want to go and move in another
4 direction. We've been going for about an
5 hour-and-a-half. I think it's a good time for
6 a break. So why don't we take a break,
7 officer, please.
8 (Recess taken.)
9 **EXAMINATION**
10 **BY MR. SECUNDA:**
11 Q. Officer Krause, I have a few clean-up
12 questions. And I apologize. But with these
13 depositions, you always forget to ask questions
14 you meant to ask. So one of the things
15 actually I just heard you speaking about off
16 the record, which is, are you married, sir?
17 **A. Yes.**
18 Q. And how long have you been married?
19 **A. Oh, geez.**
20 Q. That's on the record.
21 **A. 15 years.**
22 Q. And do you have children?
23 **A. I do.**
24 Q. And how many children do you have?
25 **A. I have three.**

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1 Q. And how old are they?
2 **A. I guess, what's the relevance of this? I'd**
3 **prefer not to talk about my family.**
4 Q. Well, you do have to answer. But I will
5 explain, the relevance is to how children
6 behave sometimes. So we're going to get into
7 that. I'm not going to ask their names. I
8 don't want to know anything about them besides
9 how old they are.
10 **A. I'd prefer not to answer.**
11 **MS. ZELLNER:** I'm going to object to
12 form. He's asking you to answer the ages.
13 **EXAMINATION**
14 **BY MR. SECUNDA:**
15 Q. You have to answer.
16 **A. Okay.**
17 Q. I'm not going to do anything with it, officer.
18 I promise.
19 **A. Okay. 10, 8 and 6.**
20 Q. Got it. And that's all I wanted to know.
21 Okay. And then my other clean-up question was,
22 do you recall I asked you, what did you review
23 to prepare for today's deposition?
24 **A. Yes.**
25 Q. And you said, I believe, the criminal

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1 investigation?
2 **MS. ZELLNER:** Object to form.
3 **EXAMINATION**
4 **BY MR. SECUNDA:**
5 Q. It might have been the criminal complaint. Do
6 you remember what -- let me ask you again.
7 What did you review to prepare for today's
8 deposition?
9 **A. The police department case file.**
10 Q. The police department case file. Do you
11 remember how long you spent on that file
12 reviewing it?
13 **A. A few hours.**
14 Q. A few hours. Okay. And was there anything
15 else besides the police department case file
16 that you reviewed?
17 **A. No.**
18 Q. Okay. Thank you. So let's move on to -- let's
19 see. I'm going to talk a little bit about your
20 background as a police officer. I know we have
21 a little bit already. But remind me, how long
22 have you been a police officer now?
23 **A. 16 years.**
24 Q. 16 years. And would you say there's a type of
25 crime that you typically investigate as a

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1 police officer?
2 **MS. ZELLNER:** Object to form.
3 **MS. LUBINSKY:** I'll join.
4 **MR. ROMAN:** So will I.
5 **EXAMINATION**
6 **BY MR. SECUNDA:**
7 Q. You can answer.
8 **A. Mental health is a big one that we investigate,**
9 **domestics, drug use, and assaults, physical or**
10 **sexual in nature.**
11 Q. Okay. So before this case, meaning Ms. Mathis'
12 case, how many sexual assault cases would you
13 say you've investigated?
14 **A. Over 50.**
15 Q. Okay. And are those in both the school and
16 outside the school?
17 **A. Yes.**
18 Q. Can you give me, approximately, of those 50 or
19 so sexual assault cases, how many have been in
20 the school?
21 **A. The majority of them.**
22 Q. Okay. Let me bring your attention to a
23 particular case that I believe you
24 investigated. Do you know a gentleman by the
25 name of Derek Yirkovsky?

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1 **A. I do.**
2 Q. And who is Derek Yirkovsky?
3 **A. He was a science teacher.**
4 Q. Do you remember what grades he taught?
5 **A. He taught seventh.**
6 Q. So he taught seventh grade science at Mosinee
7 Middle School?
8 **A. Yes.**
9 Q. Okay. Do you recall whether you investigated a
10 complaint concerning Mr. Yirkovsky?
11 **A. I did.**
12 Q. Okay. Do you remember the nature of that
13 complaint?
14 **A. We had a parent contact the police department.**
15 **They had found a diary in their daughter's**
16 **bedroom. Inside the diary, simply put, it**
17 **would be X-rated material that was written in**
18 **there.**
19 **After questioning of the individual,**
20 **we asked if this stuff that she's saying that**
21 **Derek Yirkovsky had done, what it was. And she**
22 **had stated that over 90 percent of what was in**
23 **that book were dreams that she was having, that**
24 **none of these things were physically happening.**
25 **We ended up having to go through a**

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1 **forensics interview. And she continued to say**
2 **that she was inappropriately touched by**
3 **Mr. Yirkovsky within the school.**
4 **In interview with kids that she had**
5 **put into place as well as the time frame that**
6 **she had given, we had pulled video footage to**
7 **determine if her statements were true. And her**
8 **statements were not true, had come down to the**
9 **conclusion that the statements she was making**
10 **had no proof that it occurred.**
11 Q. So do you recall whether -- prior to you
12 determining there was no merit to this child's
13 claim against Mr. Yirkovsky, whether he was
14 suspended from school?
15 **A. He was on a family leave for his new child.**
16 Q. Okay. Do you know if he was separately
17 suspended in light of this investigation?
18 **A. I don't know.**
19 Q. Do you recall during that investigation whether
20 you spoke to Mr. Yirkovsky during that
21 investigation?
22 **A. I did.**
23 Q. And I should ask as a foundation, do you
24 remember approximately when that occurred, the
25 time period of that complaint against him?

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1 **A. I don't.**
2 Q. Two years ago?
3 **A. That would have been this last school year, so**
4 **2022.**
5 Q. Okay. It was more --
6 **A. Prior to the end of school.**
7 Q. So it was more recent?
8 **A. Yes.**
9 Q. Okay. And you said you reviewed video
10 evidence, correct?
11 **A. Yes.**
12 Q. And that, essentially, cleared Mr. Yirkovsky?
13 **A. As well as the statements from the individuals**
14 **that she had stated were with her at the time**
15 **of the incident.**
16 Q. Understood. And did you talk to Mr. Yirkovsky
17 as part of that investigation?
18 **A. I did.**
19 Q. And you received his side of the story?
20 **A. I did.**
21 Q. And would you say, sitting here today, that
22 receiving his side of the story was helpful to
23 your investigation?
24 **A. Not at all.**
25 Q. And why not?

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1 **A. Because I was able to prove by statements from**
2 **the witnesses as well as video footage that**
3 **what she was claiming had happened had not**
4 **happened. So I didn't need his statement. I**
5 **was -- I had come to the conclusion prior to**
6 **even speaking with him that he did not do what**
7 **she was accusing him of.**
8 Q. So do you think it's important to talk to the
9 accused as part of an investigation into a
10 sexual assault?
11 **A. Yes.**
12 **MS. LUBINSKY:** Hold on. I'm going to
13 object to the form.
14 **MS. ZELLNER:** Join.
15 **MR. ROMAN:** I will join.
16 **EXAMINATION**
17 **BY MR. SECUNDA:**
18 Q. Let me restate the question.
19 **A. Okay.**
20 Q. Do you believe it is appropriate, as part of an
21 investigation into a sexual assault, that it is
22 important to talk to the accused as part of
23 that investigation?
24 **MR. ROMAN:** I will --
25 **MS. ZELLNER:** Same objection.

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1 MS. LUBINSKY: Join.
2 MR. ROMAN: Objection.
3 THE WITNESS: Yes.
4 EXAMINATION
5 BY MR. SECUNDA:
6 Q. Go ahead. You can answer. Yes. Before or
7 after one is arrested, is it important?
8 MS. ZELLNER: Object to form.
9 MS. LUBINSKY: Join.
10 MR. ROMAN: Join.
11 THE WITNESS: It doesn't matter.
12 EXAMINATION
13 BY MR. SECUNDA:
14 Q. It doesn't matter?
15 A. No.
16 Q. So your technique -- and this is what we're
17 going to talk -- about your practice when it
18 comes to sexual assault investigations is to
19 arrest first and ask questions of the accused
20 later?
21 MS. ZELLNER: Object to form.
22 MS. LUBINSKY: Join.
23 MR. ROMAN: I will join.
24 THE WITNESS: Depends on the
25 situation.

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1 EXAMINATION
2 BY MR. SECUNDA:
3 Q. Well, let's talk about Ms. Mathis' situation so
4 we can be more concrete. Okay?
5 A. Okay.
6 Q. Did you discuss the allegations against
7 Ms. Mathis before you arrested her?
8 A. No.
9 Q. Why not?
10 A. I was informed by the district attorney's
11 office to go and arrest her for the incident.
12 And under the directive of the district
13 attorney's office, that's what I ended up
14 doing.
15 Q. But you contacted the district attorney's
16 office first, did you not?
17 A. Two times, yes.
18 Q. And so you had the ability before you contacted
19 the district attorney's office to speak to
20 Ms. Mathis, correct?
21 A. I would have had -- I could have had the
22 opportunity, yes.
23 Q. But you didn't?
24 A. I did not, no.
25 Q. Why not?

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1 A. I had gathered information from my witnesses as
2 well as my victim that suggested that there was
3 probable cause that an incident occurred.
4 Q. And you came to that conclusion without
5 discussing the incident with Ms. Mathis?
6 A. Unless Ms. Mathis was going to straight-up tell
7 me she did it -- normally, in law enforcement
8 it's the other way around, saying, I did not do
9 something inappropriate. So having the
10 evidence in front of me suggested there was
11 probable cause for an arrest.
12 Q. So is it your testimony, officer, that before
13 you arrested Ms. Mathis on April the 5th there
14 was nothing she could have said that would have
15 changed your mind to arrest her?
16 MS. ZELLNER: Object to form.
17 MR. ROMAN: I'll join.
18 MS. LUBINSKY: I'll join.
19 THE WITNESS: The evidence in front of
20 me suggested probable cause that she did
21 violate the law.
22 EXAMINATION
23 BY MR. SECUNDA:
24 Q. That's not my question. My question is, if you
25 had spoken to Ms. Mathis before you arrested

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1 her, is there nothing she could have said that
2 would have changed your mind?
3 MS. ZELLNER: Same objection.
4 MS. LUBINSKY: I'll object to the
5 form. Calls for speculation.
6 MS. LUBINSKY: I will join.
7 THE WITNESS: No.
8 EXAMINATION
9 BY MR. SECUNDA:
10 Q. You can answer. I'm sorry?
11 A. I said no.
12 Q. So no, nothing would have changed your mind?
13 A. Nothing would have changed my mind.
14 Q. You believed you had probable cause regardless
15 of what Ms. Mathis had said to you?
16 A. Yes.
17 Q. Are you -- are you familiar, officer, with
18 the -- kind of the principal in law that you're
19 innocent until proven guilty?
20 A. Yes.
21 Q. Do you -- are you also familiar with the
22 principal that a person who's accused of a
23 crime should have the right to be heard?
24 MS. ZELLNER: Object to form.
25 MS. LUBINSKY: I'll join.

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1 **MR. ROMAN:** I will join.
2 **THE WITNESS:** Yes.
3 **EXAMINATION**
4 **BY MR. SECUNDA:**
5 Q. And the opportunity to tell their side of the
6 story?
7 **A. Yes.**
8 **MS. ZELLNER:** Object to form.
9 **MR. SECUNDA:** And yet --
10 **MR. ROMAN:** Just wait a minute. I
11 would ask the witness to pause to allow --
12 **THE WITNESS:** Okay.
13 **MR. ROMAN:** -- the other attorneys --
14 **MR. SECUNDA:** It's hard because we're
15 getting into a conversation.
16 **MR. ROMAN:** Right. So just -- I
17 understand what's going on here.
18 **THE WITNESS:** Okay.
19 **MR. ROMAN:** But it's becoming hard for
20 the record. So I will join that objection.
21 **MS. LUBINSKY:** I will join that
22 objection, too.
23 **EXAMINATION**
24 **BY MR. SECUNDA:**
25 Q. What would you like me to do? Would you like

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1 me to repeat the question? Would that be
2 helpful?
3 **A. Yes.**
4 Q. Okay. So my question was, as part of an
5 investigation, is it not important to give the
6 accused the ability to tell their side of the
7 story?
8 **A. It is important.**
9 Q. And so, officer, if I were a police officer and
10 I thought you did something wrong, criminally
11 wrong, like a sexual assault, and I showed up
12 to your house to arrest you, would you not say,
13 why are you arresting me?
14 **MS. ZELLNER:** Object to form.
15 **MS. LUBINSKY:** I'll join.
16 **MR. ROMAN:** I will join as well.
17 **THE WITNESS:** I would ask that.
18 **EXAMINATION**
19 **BY MR. SECUNDA:**
20 Q. And wouldn't you want to know why you were
21 being arrested?
22 **MS. ZELLNER:** Object to form.
23 **MR. ROMAN:** I will join.
24 **MS. LUBINSKY:** I'll join.
25 **THE WITNESS:** Yes.

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1 **EXAMINATION**
2 **BY MR. SECUNDA:**
3 Q. And isn't it basic fairness that I give you the
4 opportunity to tell your side of the story?
5 **MS. ZELLNER:** Object to form.
6 **MS. LUBINSKY:** I'll join.
7 **MR. ROMAN:** I will join.
8 **THE WITNESS:** Yes.
9 **EXAMINATION**
10 **BY MR. SECUNDA:**
11 Q. But you didn't do that, did you, with Christy
12 Mathis?
13 **MS. ZELLNER:** Object to form.
14 **MS. LUBINSKY:** I will join.
15 **MR. ROMAN:** I will object to form and
16 foundation.
17 **THE WITNESS:** That's incorrect.
18 **EXAMINATION**
19 **BY MR. SECUNDA:**
20 Q. What did you do then?
21 **A. I informed her of why she was being arrested,**
22 **read her her Miranda rights, and allowed her to**
23 **speak after her Miranda rights were read to**
24 **her.**
25 Q. I understand that. But you didn't give her the

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1 opportunity to explain her side of the story
2 before you arrested her, did you, Officer
3 Krause?
4 **A. No.**
5 Q. Thank you. Okay. So let's go back to, I don't
6 know, kind of your general philosophy about
7 investigations, if you will. So what is the
8 purpose of an investigation when you do a
9 criminal investigation? How would you define
10 that?
11 **A. It's fact gathering.**
12 Q. Okay. And would you always conduct witness
13 interviews as part of fact gathering? Is that
14 a normal part of fact gathering?
15 **A. Yes.**
16 Q. Okay. And do you generally take written
17 witness statements as part of fact gathering?
18 **A. It depends.**
19 Q. Okay. What is it -- what would something like
20 that depend on?
21 **A. If the witness wants to give a statement. We**
22 **can't force it. It's a voluntary statement.**
23 **Depending on if we need particular more**
24 **information regards -- my reports are more fact**
25 **based, as a written statement can be more**

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1 **THE WITNESS:** Yes.
2 **EXAMINATION**
3 **BY MR. SECUNDA:**
4 Q. Okay. Now, when you talk about touching
5 someone, you've also mentioned that you don't
6 touch children, correct?
7 **MS. ZELLNER:** Object to form.
8 **EXAMINATION**
9 **BY MR. SECUNDA:**
10 Q. In this video, Exhibit 66, you stated that you
11 don't go around touching people's butt,
12 correct?
13 **MS. ZELLNER:** I would object to form.
14 I believe it misstates what he says. I believe
15 he specified in school.
16 **EXAMINATION**
17 **BY MR. SECUNDA:**
18 Q. You don't go around touching students' butts in
19 school, correct?
20 **A. Correct.**
21 Q. Is there ever a time that you can touch a
22 student appropriately?
23 **MS. LUBINSKY:** I'm going to object to
24 the form.
25 **MS. ZELLNER:** Join.

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1 **MS. LUBINSKY:** Are we still in school?
2 **EXAMINATION**
3 **BY MR. SECUNDA:**
4 Q. Is there ever a time that an adult can touch a
5 student in school appropriately?
6 **MR. ROMAN:** Again, I'll object to
7 form. Any adult?
8 **MR. SECUNDA:** Any adult.
9 **MS. ZELLNER:** Join.
10 **MR. ROMAN:** Parents?
11 **MR. SECUNDA:** Is there any -- let me
12 restate the question. And I would ask for a
13 little leeway. I think you're being a little
14 bit -- you're being a little interrupting at
15 this point.
16 **MR. ROMAN:** Okay.
17 **MR. SECUNDA:** And I would appreciate
18 you to let me run my deposition. I know you're
19 only trying to help. But -- I appreciate it.
20 **EXAMINATION**
21 **BY MR. SECUNDA:**
22 Q. Okay. So do you believe that an adult in the
23 school, whether it be an administrator, a
24 teacher, or a staff member, can ever
25 appropriately touch a student in school?

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1 **A. Appropriately?**
2 Q. Yes.
3 **A. Yes. A high five is an appropriate touch.**
4 Q. Okay. How about if I touch a student, if I'm
5 one of those staff members that I've just
6 described, on the shoulder? Is that an
7 appropriate touch?
8 **MS. ZELLNER:** Object to form.
9 **MS. LUBINSKY:** Join.
10 **MR. ROMAN:** I will join.
11 **THE WITNESS:** Depends on the eye of
12 the person being touched.
13 **EXAMINATION**
14 **BY MR. SECUNDA:**
15 Q. Okay, Officer Krause. I come up to you -- and
16 I'm not going to do it, as you've said in your
17 video you're not going to do it. I come behind
18 you. And in talking to you, I touch you on the
19 shoulder. Is that appropriate?
20 **MS. ZELLNER:** Object to form.
21 **MS. LUBINSKY:** Join.
22 **MR. ROMAN:** I will join as well.
23 **THE WITNESS:** No.
24 **EXAMINATION**
25 **BY MR. SECUNDA:**

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1 Q. That's not appropriate?
2 **A. In my opinion, no.**
3 Q. Is it against the law?
4 **MS. ZELLNER:** Object to form.
5 **MS. LUBINSKY:** Join.
6 **MR. ROMAN:** Join.
7 **THE WITNESS:** No.
8 **EXAMINATION**
9 **BY MR. SECUNDA:**
10 Q. So it's just -- given your own sense of space,
11 for you it's inappropriate?
12 **A. Yes.**
13 Q. But as a police officer, as the student
14 resources officer in the school, is it your job
15 to tell people what's appropriate outside of
16 the law as far as where they touch people?
17 **MS. ZELLNER:** Object to form.
18 **MR. ROMAN:** I will join.
19 **THE WITNESS:** It's all in the eye of
20 the beholder.
21 **EXAMINATION**
22 **BY MR. SECUNDA:**
23 Q. So you can tell a student -- strike that. You
24 can tell a student in your role as a student
25 resources officer that they should not be

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1 touching a student on the shoulder?
2 **MS. ZELLNER:** Object to form.
3 **MS. LUBINSKY:** I'll join.
4 **MR. ROMAN:** I will join.
5 **THE WITNESS:** I don't believe anybody
6 should touch anybody.
7 **EXAMINATION**
8 **BY MR. SECUNDA:**
9 Q. But that's your personal view, correct?
10 **A. Our school policy would state that you're not**
11 **supposed to be touching anybody.**
12 Q. Do you have somewhere in your school policies
13 that you can point me?
14 **A. I would have to refer to it.**
15 Q. So teachers, in your mind, under school policy
16 at Mosinee Middle School are never supposed to
17 touch students under any circumstances?
18 **MS. ZELLNER:** Object to form.
19 **MS. LUBINSKY:** Join.
20 **MR. ROMAN:** I will join.
21 **THE WITNESS:** There are circumstances
22 that would allow you to touch a child.
23 **EXAMINATION**
24 **BY MR. SECUNDA:**
25 Q. What are those circumstances?

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1 **A. If you have a child who is out of control and**
2 **he's an EBD child, if you would end up having**
3 **to put him in a CPI hold, that would be a**
4 **justified touch of a child.**
5 Q. What's EBD, just for the record?
6 **A. It would be our -- I don't recall what it**
7 **stands for.**
8 Q. Could it be emotionally and behaviorally
9 disturbed?
10 **A. I guess, yeah.**
11 Q. Or something like that, some kind of an
12 emotional issue?
13 **A. Yes.**
14 Q. Okay. And CPI, that's another term you just
15 used?
16 **A. That would be a technique to be able to control**
17 **a child with the least amount of restraints to**
18 **make sure that they don't hurt themselves or**
19 **others.**
20 Q. So outside of an adult in the school setting
21 restraining a child in order to protect
22 themselves or protect another child, is there
23 any other time a teacher should be able to
24 touch a child?
25 **MS. ZELLNER:** Object to form.

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1 **MR. SECUNDA:** In your mind.
2 **MR. ROMAN:** I will join.
3 **THE WITNESS:** Like I said, it depends
4 on the circumstances. I'll use me and you, for
5 example. If we walk through the hallways and I
6 bumped into you or I needed to get around you,
7 excuse me, please, and I try to push you to the
8 side, that would be considered an appropriate
9 touch.
10 **EXAMINATION**
11 **BY MR. SECUNDA:**
12 Q. So let me see if I understand. So if I bumped
13 into you by accident, and whether I apologized
14 or not, because I might not have realized I
15 bumped into you, that would be an appropriate
16 touch. Correct?
17 **A. Depends what part of my body you would touch**
18 **but.**
19 Q. So let's be more specific. What if I was
20 trying to make my way behind you and
21 inadvertently bumped into you but didn't
22 realize it and I didn't apologize? Is that
23 still an appropriate touch?
24 **MS. ZELLNER:** Object to form.
25 **MR. ROMAN:** I'll join.

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1 **THE WITNESS:** Confused on how you
2 wouldn't know that you bumped into me.
3 **EXAMINATION**
4 **BY MR. SECUNDA:**
5 Q. Just not paying attention. It's inadvertent.
6 **A. So are you asking, would that be considered an**
7 **appropriate touch?**
8 Q. Yeah, in your mind.
9 **A. Depends on what part of my body you touched.**
10 Q. I touched your behind.
11 **A. That would not be appropriate.**
12 Q. Even though I did it by accident?
13 **A. How do I know you did it by accident?**
14 Q. Because I'm telling you in this hypothetical
15 that I did it by accident.
16 **MR. ROMAN:** And I will object as
17 argumentative.
18 **MS. ZELLNER:** Join.
19 **EXAMINATION**
20 **BY MR. SECUNDA:**
21 Q. So if I bumped into your backside by accident,
22 but I didn't realize it, would that be an
23 inappropriate touch?
24 **MS. ZELLNER:** Object to form.
25 **MR. ROMAN:** I will join.

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1 Q. Understood. So could they have charged her
2 with -- they. Could the district attorney's
3 office have charged Ms. Mathis with first
4 degree sexual assault without your underlying
5 investigation?
6 **MS. ZELLNER:** Object to form.
7 **MS. LUBINSKY:** I'll join.
8 **MR. ROMAN:** I will join as well.
9 **THE WITNESS:** Are you asking could
10 have they charged her with first degree sexual
11 assault if I wouldn't have done an
12 investigation?
13 **EXAMINATION**
14 **BY MR. SECUNDA:**
15 Q. Well, yeah. I'm asking if without your
16 investigation they would not have had the
17 necessary underlying facts to charge that
18 crime?
19 **MS. ZELLNER:** Object to form.
20 **MR. ROMAN:** I'll join.
21 **MS. LUBINSKY:** I'll join.
22 **THE WITNESS:** With my -- without my
23 investigation, they would have had nothing to
24 go off of.
25 **EXAMINATION**

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1 **BY MR. SECUNDA:**
2 Q. So I think your answer is -- and tell me if I'm
3 right -- that the DA relied upon your
4 investigation to determine to charge Ms. Mathis
5 with first degree sexual assault?
6 **MS. ZELLNER:** I would object to form.
7 **MS. LUBINSKY:** Join. And I'll add
8 foundation.
9 **MR. ROMAN:** And I will add both
10 objections.
11 **THE WITNESS:** The district attorney's
12 office made the decision based off of the
13 evidence and the reports that were given to
14 them.
15 **EXAMINATION**
16 **BY MR. SECUNDA:**
17 Q. That was not my question, so I'm going to try
18 again. My question was, could the district
19 attorney charge Ms. Mathis with first degree
20 sexual assault without the facts that you
21 brought forward to them as part of your
22 investigation?
23 **MS. ZELLNER:** Same objection.
24 **MS. LUBINSKY:** I'll object to form and
25 foundation.

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1 **MR. ROMAN:** I will join.
2 **THE WITNESS:** No.
3 **MR. SECUNDA:** And that's all the
4 questions I have. Thank you, Officer Krause.
5 Anyone else have any questions?
6 **MS. LUBINSKY:** No.
7 (Whereupon, the deposition of Eric J.
8 Krause terminated.)
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7 **REPORTER'S CERTIFICATE**
8
9
10 STATE OF WISCONSIN)
11) ss.
12 COUNTY OF WOOD)
13
14 I, Meredith A. Kroening, do hereby
15 certify the foregoing transcript is a true and
16 correct transcription of my stenographic notes
17 taken in this proceeding.
18
19
20 *Meredith A. Kroening*
21 **MEREDITH A. KROENING**
22
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